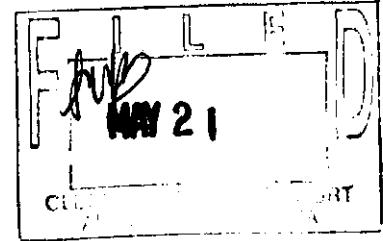


IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Alexandria Division



UNITED STATES OF AMERICA)

v.)

CRIMINAL NO. 1:09CR196

ROBERT JEFFERY and)
(Counts 1 and 2))

ROBERT YOUNG,)
(Counts 1 and 2))

COUNT 1: 18 U.S.C. Section 371
(Conspiracy)

Defendants.)

COUNT 2: 18 U.S.C. Section 641
(Theft of Government
Property)

SUPERSEDING INDICTMENT

May 2009 Term - at Alexandria

INTRODUCTION

THE GRAND JURY CHARGES THAT:

At times material to this indictment:

1. The United States owned and operated the Victory Bulk Fuel Point (VBFP), Camp Liberty, Iraq, in support of Operation Iraqi Freedom. The VBFP supplied JP-8 aviation fuel and DF-2 diesel fuel to both military units and U.S. Government contractors operating in and around the Victory Base Complex.

2. In order to gain access to the VBFP, a U.S. contractor was required to present a valid Common Access Card (CAC card), which could be obtained by presenting a valid Contractor Letter of Authorization (CLOA) to the CAC Card Distribution Section,

and then signing a DD Form 2842 (Department of Defense Public Key Infrastructure Certificate of Acceptance and Acknowledgment of Responsibilities), certifying that the CAC card was the property of the U.S. Government and was only to be used for official purposes.

3. Only authorized U.S. Government contractors with a valid signed Memorandum For Record (MFR) were authorized by regulation to draw fuel from the VBFP. A U.S. Government contractor was required to have a valid need for a specified quantity of fuel, for a specified time period, based on work being completed under a current U.S. Government contract. To begin drawing fuel from the VBFP, a U.S. contractor was required to present to the VBFP a valid MFR issued by the U.S. Government authorizing fuel withdrawals.

4. The defendant ROBERT JEFFERY served as an escort for fuel trucks that entered the VBFP to retrieve fuel for purported legitimate U.S. Government contracts.

5. The defendant ROBERT YOUNG initially served as an escort for fuel trucks that entered the VBFP to retrieve fuel for purported legitimate U.S. Government contracts, and subsequently took on a managerial role with regard to the fuel retrieval.

6. Many of the acts referred to in this Indictment were committed in Iraq, outside of the jurisdiction of any particular state or district of the United States. On or about July 18, 2008, a co-conspirator, Lee William Dubois, was first arrested in the Eastern District of Virginia; therefore, pursuant to Title 18, United States Code, Section 3238, the United States District Court for the Eastern District of Virginia is a proper venue for the trial of the offenses alleged in the Indictment.

7. The above introductory allegations are realleged and incorporated in each count of this Indictment as if fully set forth in each count.

COUNT 1
(Conspiracy)

THE GRAND JURY FURTHER CHARGES THAT:

8. In or about October 2007 through in or about May 2008, in Iraq and elsewhere, the defendants, ROBERT JEFFERY and ROBERT YOUNG, knowingly conspired and agreed with each other and with others known and unknown to the grand jury to defraud the United States Department of Defense and commit the following offense against the United States:

a. To steal a thing of value of the United States, that is, fuel from the United States Army having a value in excess of \$1,000, in violation of Title 18, United States Code, Section 641.

Purpose of the Conspiracy

9. It was the purpose of the conspiracy for the defendants and their co-conspirators to enrich themselves unlawfully by stealing fuel from the U.S. Army at the VBFP, Camp Liberty, Iraq, and then selling the fuel on the black market in Iraq.

Manner and Means of the Conspiracy

It was part of the conspiracy that:

10. ROBERT JEFFERY's and ROBERT YOUNG's co-conspirators created and caused the creation of false and fictitious CLOAs, which they would subsequently

use to obtain CAC cards for approximately ten individuals who were to serve as escorts and drivers of fuel trucks.

11. ROBERT JEFFERY's and ROBERT YOUNG's co-conspirators created and caused the creation of false and fictitious MFRs, which permitted the escorts and drivers of the fuel trucks to retrieve large amounts of fuel from the VBFP. Two of these false and fictitious MFRs purportedly related to a contract the U.S. Army had entered into with Future Services General Trading and Contracting Company (Future Services), a U.S. Government contractor based in Kuwait.

12. ROBERT JEFFERY and his co-conspirators, at the direction of ROBERT YOUNG and others, accessed the VBFP using the fraudulently obtained CAC cards and, using the false and fictitious MFRs, stole large quantities of aviation and diesel fuel.

13. ROBERT JEFFERY, ROBERT YOUNG, and their co-conspirators communicated with each other by email and arranged for the drivers and escorts to be paid out of the proceeds of the fuel theft scheme.

Overt Acts

In furtherance of the conspiracy and to effect its objects, ROBERT JEFFERY, ROBERT YOUNG, and their co-conspirators committed and caused to be committed the following overt acts, among others:

14. In or about December 2007, co-conspirator E.M. went to the VBFP and provided the U.S. Army representative with a false and fictitious MFR authorizing two escorts, including ROBERT JEFFERY, and three drivers to draw 30,000 gallons of JP-8 fuel per day purportedly in connection with a Future Services contract.

15. On or about February 6, 2008, ROBERT YOUNG sent ROBERT JEFFERY the following email discussing the fuel theft scheme:

We are plaining on running this till 1July and see how it looks at that time. I don't see a problem and this could go on for 1-2 years or more. I would appreciate it if you wouldn't discuss the quasi legality of what we are doing to anyone [sic]

16. In or about May 2008, Lee William Dubois, at the direction of ROBERT YOUNG and others, went to the VBFP, falsely stated that he was a representative of Future Services, and provided the U.S. Army representative with a false and fictitious MFR authorizing an escort/driver to draw 11,500 gallons of DF-2 fuel per day purportedly in connection with the same Future Services contract.

17. On or about May 16, 2008, ROBERT JEFFERY, at the direction of ROBERT YOUNG and others, escorted fuel trucks into the VBFP and, using the two false and fictitious MFRs described above, drew 11,500 gallons of DF-2 diesel fuel and 30,005 gallons of JP-8 aviation fuel from the VBFP.

18. On or about May 18, 2008, ROBERT YOUNG sent ROBERT JEFFERY, Lee William Dubois, and co-conspirator E.M. the following email discussing how the proceeds from the fuel theft scheme would be distributed:

D [Dubois] as your the man controlling the cash, here is a list of bills to pay. . . . Salaries: J [JEFFERY] is at 25K monthly he likes it split evenly in 2 payments 1-at the 15th of the month, the 2nd on the 30th \$25,000 I also told [JEFFERY] that we would bring up to 30k in June [sic]

(In violation of Title 18, United States Code, Section 371.)

COUNT 2

(Theft of Government Property)

THE GRAND JURY FURTHER CHARGES THAT:

19. In or about February 2008 through in or about May 2008, the defendants, ROBERT JEFFERY and ROBERT YOUNG, as part of a recurring pattern of conduct in furtherance of their scheme, did knowingly steal, and aid and abet one another and others to steal, a thing of value of the United States, that is, fuel having a value in excess of \$1,000 from the United States Army at the VBFP, Camp Victory, Iraq.

(In violation of Title 18, United States Code, Sections 641 and 2.)

FORFEITURE

20. Pursuant to Rule 32.2(a), the defendants are hereby notified that, if convicted of any of the offenses alleged in Counts 1-2 above, they shall forfeit to the United States, pursuant to Title 18, United States Code, Sections 981(a)(1)(C) and 2461(c), the following property:

(a) A sum of money equal to at least \$39.6 million in United States currency, representing the amount of proceeds obtained as a result of the violations of Title 18, United States Code, Sections 371 and 641.

(b) Pursuant to Title 21, United States Code, Section 853(p), as incorporated by Title 28, United States Code, Section 2461(c), the defendants shall forfeit substitute property, up to the value of the amounts described in paragraph (a), if, by any act or omission of the defendants, the property described in paragraph (a), or any portion thereof, cannot be located upon the exercise of due diligence; has been transferred, sold to, or deposited with a third party; has been placed beyond the jurisdiction of the Court; has been substantially diminished in value; or has been commingled with other property which cannot be divided without difficulty.


(In accordance with Title 18, United States Code, Section 981(a)(1)(C); Title 28, United States Code, Section 2461(c); and Rule 32.2(a), Federal Rules of Criminal Procedure.)

A TRUE BILL:

Pursuant to the E-Government Act,
the original of this page has been filed
~~under seal in the Clerk's Office~~
FOREPERSON

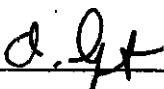
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